

REMARKS

With this amendment, claims 1-26 remain pending in the present application and claims 27-81 have been added. Claims 1-20, 22, and 24-26 have been amended to more particularly recite the claimed invention. Claims 27-81 are believed to introduce no new matter. The Applicant has carefully and thoughtfully considered the Office Action and the comments therein. For the reasons given below, it is submitted that this application is in condition for allowance.

Double Patenting

On page 2, claims 7-26 are rejected on the grounds of nonstatutory obviousness-type double patenting. Solely to expedite prosecution, Applicants submit herewith a Terminal Disclaimer with respect to commonly owned U.S. Patent No. 7,058,509. Applicants therefore respectfully request that this rejection be withdrawn to the extent it relies on U.S. Patent No. 7,058,509.

Rejections under 35 U.S.C. §112, first paragraph

On pages 2-3, the Office Action rejects claims 1-26 as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Applicants respectfully disagree.

Claims 1-26 are rejected as being incomplete for omitting essential steps, the omitted steps found in the preamble of claim 1. Claim 1 has been amended. Applicants therefore request that this rejection be withdrawn.

Claim 1 is further rejected for being rendered indefinite by the term "smart data." Claim 1 has been amended. Applicants therefore request that this rejection be withdrawn.

Claims 2-26 claims are rejected as being indefinite for relying upon claim limitations which may not be present in the method of claim 1. Claim 1 has been amended. Applicants therefore request that this rejection be withdrawn.

Claim 6 is rejected for being unclear if the limitation is further defining claim 1 part c) or is

a new step to replace part c) or a new step all together. Claim 6 has been amended. Applicants therefore request that this rejection be withdrawn.

Applicants therefore request that these rejection be withdrawn.

Rejections under 35 U.S.C. §101

On page 3-4, the Office Action rejects claims 1-26 as being non-statutory since they may be performed within the human mind. Claim 1 has been amended. Applicants therefore request that this rejection be withdrawn.

Rejections under 35 U.S.C. §103

On pages 4-14, the Office Action rejects claims 1-26 under 35 U.S.C. §103(a) as being unpatentable over Kay Marie Ainsley et al.: “‘Franchise Fee’ Made Simple” (April 22, 2002) (hereinafter “Ainsley”). Applicants respectfully traverse this rejection.

Regarding claim 1, Applicants believe claim 1 is patentable for at least the following two reasons.

First, Ainsley does not teach or suggest “receiving environmental subsurface data at a first computer from a first entity, wherein said environmental subsurface data is acquired at a location via moveable direct reading sensors” as recited in claim 1. Instead, Ainsley teaches the basics of franchise fees charged to a franchisee by a franchisor, such as McDonalds, Burger King, Arby’s and Wendy’s. Ainsley, Pages 1-2. Thus, Ainsley does not teach or suggest “**receiving environmental subsurface data** at a first computer from a first entity, wherein said environmental subsurface data is **acquired at a location via moveable direct reading sensors**” as recited in claim 1.

Second, Ainsley does not teach or suggest “analyzing said environmental subsurface data via a data analysis system to obtain information about said subsurface data” as recited in claim 1. In contrast, Ainsley makes no mention of environmental subsurface data or a data analysis system in its discussion of franchises. Thus, Ainsley does not teach or suggest “**analyzing** said environmental subsurface data **via a data analysis system** to obtain information about said subsurface data” as recited in claim 1.

Therefore, claim 1 is patentable over Ainsley.

Claims 2-26 are dependent from independent claim 1 and are allowable, at least, for being dependent on an allowable claim.

New Claims

Claims 27-81 have been added and are supported by, for example, claims 1-26 and paragraphs [0138] - [0143] of the subject Application. Independent claims 28 and 54 recite subject matter similar to claim 1, which Applicants believe to be allowable over Ainsley. Therefore, Applicants believe claims 28 and 54 are patentable for at least the same reasons as claim 1.

Dependent claims 27, 29-53, and 55-81 depend from claims 1, 28, and 54, respectively, and are believed to be allowable for, at least, the same reasons as above.

Therefore, Applicants respectfully request that claims 27-81 be allowed.

CONCLUSION

All of the stated grounds of objection and rejection have been properly traversed, accommodated, or rendered moot. Applicants therefore respectfully request that the Examiner reconsider all presently outstanding objections and rejections and that they be withdrawn. Applicants believe that a full and complete reply has been made to the outstanding Office Action and, as such, the present application is in condition for allowance. If the Examiner believes, for any reason, that personal communication will expedite prosecution of this application, the Examiner is hereby invited to telephone the undersigned at the number provided.

Prompt and favorable consideration of this Amendment is respectfully requested.

Dated: 1/24/09

Respectfully submitted,

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